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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,751	08/19/2003	Haruhiko Yoshioka	241724US2	3722
22850	7590	09/09/2004	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			CHAN, EMILY Y	
			ART UNIT	PAPER NUMBER
			2829	

DATE MAILED: 09/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/642,751	YOSHIOKA, HARUHIKO
	<b>Examiner</b>	<b>Art Unit</b>
	Emily Y Chan	2829

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
 THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 19 August 2003.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-12 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-12 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 19 August 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

1. Figures 5a and 5b are prior art and should be designated by a legend such as --

Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g).

Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Lino et al ('828).

2. Regarding to claims 1 and 10, Lino et al ('828) disclose a probe apparatus (see Figs 1-3) as claimed, comprising:

a mounting member (main chuck 12) on which an object to be inspected is mounted, a temperature of the object being adjusted (temperature adjustment mechanism) by the mounting member (main chuck 12) (see Col. 9, lines 30-31);

a probe card (27) arranged opposite to the mounting member (12);  
a driving mechanism (24, 26, 28,13), which changes the relative  
positional relationship between the mounting member (12) and  
probe card (27) (see Col. 9, lines 61-67 and Col. 10, lines 1-3); and  
a sensor (32a, 32b, 32c) which detects the distance between sensor and the  
probe card (27) (see Col. 10, lines 3-5) and is installed on the mounting member (12)  
(see Col. 8, lines 50-51).

3. Regarding to claim 4, Lino et al ('828) disclose that their sensor (32a, 32b, 32c) is attached to the driving mechanism (24, 26, 28,13).

4. Regarding to claim 7, Lino et al ('828) disclose that their sensor (32b) is provided at a part of the apparatus to which the probe card (27) is fixed (see Fig. 2).

Regarding to claims 2, 5, 8 and 11, Lino et al ('828) disclose that their sensor is a laser displacement sensor (see Col. 10, line 3).

5. Regarding to claims 3, 6, 9 and 12, Lino et al ('828) disclose that their driving mechanism (26, 28,13) moves the mounting member (12) in x, Y and Z directions.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Pietzschmann ('354) discloses a test apparatus and teach a capacitive displacement sensor 8 (see Fig. 1).

Nelson et al ('480) disclose capacitive sensor for sensing distance between the semiconductor wafer and the probe card (see Col. 1, lines 49-53) which is particular relevant to the claimed capacitive displacement sensor.

Kuji et al ('854) disclose a probe apparatus and teach a temperature adjustment mechanism is built in the main chuck (see Page 1, paragraph 0004, last 5 lines).

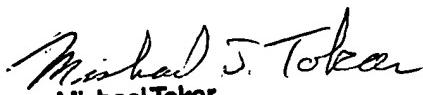
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emily Y Chan whose telephone number is 571-272-1956. The examiner can normally be reached on 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Tokar can be reached on 571-272-1812. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ec  
8-31-04

  
Michael Tokar  
Supervisory Patent Examiner  
Technology Center 2800